

REMARKS

Claims 1, 2, 6-8, 10, 13 14, 37, 38, 42-44, 46 and 49 are currently pending and have been rejected under 35 U.S.C. § 103 (a) as being obvious over Steube (US Patent No. 5,659,538), Sanders (US Patent NO. 6,101,912), Hergeth (US Patent No. 6,888,083), and Schleinz (US Patent 5,597,642). Applicants respectfully traverse these rejections for at least the arguments presented below

According to the Examiner, it would have been obvious for one of ordinary skill in the art to (i) modify Steube to include the 'line speed reference signal detected from a line speed target component' of Sanders, (ii) modify the combination of (i) to include that the 'line speed reference signal which is a measure of speed' of Hergeth, and to (iii) modify the combination of (ii) to include the rotary printing equipment of Schleinz (see generally, Office Action, Page 4, paragraph 1; Page 5, paragraph 1 and 2). The Office Action also states (on Page 4, 2nd paragraph) that Sanders discloses "line speed reference signal detected from a line speed target component" which may be combined with Steube to achieve portions of the claimed invention.

Sanders discloses a servo driven watercutter, which uses fluid jets to cut substrates, while Steube discloses a diaper registration control system, in which the phase angle of a rotary cutter is set to cut diaper pads from a web line at appropriate intervals. Applicant believes that the two references are not combinable, and even if the two references (as a whole) were somehow combined, the combination would simply result in a watercutter being used for cutting diaper pads, which would actually defeat the invention of Steube because the use of water jets to cut diapers would render useless the absorbent material, for example, the super absorbent cores (SAP) of diaper pads.

The Examiner's attention is respectfully directed to M.P.E.P. § 2143.01 (7th ed., Rev. 1, Feb. 2000), which states in pertinent part, "...[] where the teachings of two or more prior art references conflict, the references may not be combinable. For example, one reference cannot be relied on to modify another reference to arrive at the claimed invention if in so doing the device of the latter reference becomes inoperable or the object of the device or invention of the latter reference is defeated. Thus, it is applicant's position that there is no reasonable expectation of success if one cited reference teaches away from another reference the teachings of which the Examiner attempts to combine. In such a case, the references are not combinable and, therefore,

the Examiner cannot rely on their combination to reject the claim under 35 U.S.C. § 103. *United States v. Adams*, 148 U.S.P.Q. 479, 484 (1966).

Moreover, applicant submits that one skilled in the art concerned with accurately incorporating graphics into an absorbent article, for example a diaper, will not be reasonably expected to look at servo driven watercutters, which use fluid jets for cutting substrates. "Two criteria have evolved for determining whether prior art is analogous: (1) whether the art is from the same field of endeavor, and (2) if the reference is not in the same field of the inventor's endeavor, whether the reference still is reasonably pertinent to the particular problem with which the inventor is involved. . . . A reference is reasonably pertinent if . . . it is one which, because of the matter with which it deals, logically would have commended itself to the inventor's attention in considering his problem. . . . If a reference disclosure has the same purpose as the claimed invention, the reference relates to the same problem. . . . [i]f it is directed to a different purpose, the inventor would accordingly have had less motivation or occasion to consider it." *In re Clay*, 23 U.S.P.Q.2d 1058, 1060-61 (Fed. Cir. 1992). Accordingly, applicant submits that the Steube and Sanders references are non-analogous with respect to each other, and should not be combined.

Applicant notes that the Office Action contends that Steube discloses sensing a "line speed target signal". Applicant submits that claims 1 and 37 recite a "line speed reference signal" versus a "line speed target signal". Applicant respectfully submits that "item 28" is instead a "detection signal" for passage of "a pre-selected feature" on a diaper on the web (See Steube, Col 3, lines 56 – 64), and that this does not comprise a "line speed reference signal" as recited in the present claims and specification (page 15, last paragraph). Accordingly, applicant respectfully traverses the specific statement noted above.

Applicant has discovered that the two inputs of sensing a line speed reference signal and a phase difference signal are sufficient to provide a high-speed continuous supply of properly printed absorbent articles 10 without requiring feedback control systems to continuously measure the location of the graphic. In stark contrast, Steube's "detection signal" and "angular position of the knife" require a continuous feedback of the last twenty-five most recent angular positions of knife 14 (col. 4, line 34 – 44 of Steube). The absence of a feedback control system is a particularly advantageous feature of the proposed invention. It is error to "consider[] references in less than their entirety, i.e., [to] disregard[] disclosures in the references that diverge and

teach away from the invention at hand." *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 220 U.S.P.Q. 303, 311 (Fed. Cir. 1983). Therefore, applicant respectfully disagrees with the Examiner's stated position, and submits that Steube does not disclose the line target machinery and phase machinery as claimed.

Applicant also respectfully disagrees it would have been obvious for one skilled in the art "to have utilized line speed target machinery such as the main drive" of Hegreth, the motivation for which is alleged to be that it is "in order to ensure that machinery is kept in proper phasing and timing relationship." "[I]t is insufficient that prior art shows similar components, unless it also contains some teaching, suggestion, or incentive for arriving at the claimed structure." *Northern Telecom, Inc. v. Datapoint Corp.*, 15 U.S.P.Q.2d 1321, 1323 (Fed. Cir. 1990). Applicant respectfully requests that the Examiner provide specific reasoning from the cited reference for combining Hegreth with the remaining references.

The Office Action further states that it would have been obvious to one of ordinary skill in the art to have utilized the rotary printing equipment of Schleinz, the main drive of Hergeth, and the angular encoder of Sanders in the Steube machine in order to arrive at the claimed invention. "It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious. . . . '[O]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.' " *In re Fritch*, 23 U.S.P.Q.2d 1780, 1784 (Fed. Cir. 1992). Accordingly, due to the absence of an express and reasonable basis to combine the references, applicant believes the combination to be a case of hindsight reconstruction, wherein the claims are used to piece together different elements of the invention. Further, it is insufficient that prior art shows similar components, unless it also contains some teaching, suggestion, or incentive for arriving at the claimed invention.

Accordingly, Applicant respectfully traverses the rejections at least because Steube and Sanders are not combinable, non-analogous, and the references diverge away from the invention at hand. Neither Hergeth nor Schleinz, singly or individually, supply the deficiencies as pointed out above, and accordingly claims 1 and 37 are believed to be allowable under 35 U.S.C. § 103 (a), at least for the reasons discussed above. Therefore, claims 2, 6-8, 10, 13, 14 and claims 38, 42-44, 46, 49 that depend respectively from independent claim 1 and independent claim 37, are also believed to be allowable.

Claims 2-3 and 38-39 have also been rejected under 35 U.S.C. § 103 (a) as being obvious over Steube, Sanders, Hergeth, and Schleinz, as applied to claims 1 and 37 and further in view of the admitted prior art.

Applicants respectfully traverse the above rejection for at least the reasons presented above, and submit that the admitted prior art does not supply the deficiencies in the suggested combination of references, as argued above.

Claims 11, 12, 15, 47 and 48 stand rejected under 35 U.S.C. § 103 (a) as being obvious over Steube, Sanders, Hergeth, and Schleinz, as applied to claims 1, 14 and 37 and further in view of Wilhelm (US Patent No. 6,075,178).

Applicants respectfully traverse the above rejection for at least the reasons presented in above, and submit that Wilhelm does not supply the deficiencies in the suggested combination of references, as argued above.

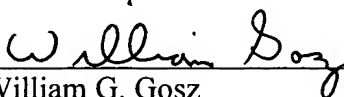
Claims 16, 17 and 50, 51 also stand rejected under 35 U.S.C. § 103 (a) as being obvious over Steube, Sanders, Hergeth, and Schleinz, as applied to claims 1 and 37, and further in view of Harrison (US Patent No. 5,003,876).

Applicants respectfully traverse the above rejection for at least the reasons presented in above, and submit that Harrison does not supply for the deficiencies in the suggested combination of references, as argued above.

In view of the foregoing, applicants respectfully submits that this application is in proper condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested. Should the Examiner believe that further discussion on any of these matters is required or indicated, the Examiner is requested to contact the undersigned representative at the telephone number below.

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Respectfully submitted,



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